

Rule VI.

It shall be in order for committees to consider bills at any time during the session, their reports and the consideration by either House in accordance with the rules of the house in which said bill is pending.

Joint Rule 24 of the Joint Rules of the Forty-second Legislature of the two houses is hereby annulled and cancelled and in all things made void.

When any bill shall have been finally acted upon by either branch of the Legislature, and shall have been transmitted to the other, said bill shall be by the presiding officer thereof referred to an appropriate committee, and it shall not be necessary to be voted upon as a prerequisite to its consideration by the receiving branch.

Rule VII.

In reckoning the time within which a bill has been introduced, the date of its first introduction in either House shall govern.

Rule VIII.

For and during the term of the Forty-third Legislature only, it shall be mandatory upon the Finance Committee of the Senate and the Appropriations Committee of the House and the presiding officer of each of said respective bodies to report out to each of said two Houses all general appropriation bills for the biennium ending August 31, 1935, on or before March 25, 1933; and the consideration of such bills shall be the first order of business in each House until finally acted upon.

NINTH DAY.

Senate Chamber,
Austin, Texas,
January 25, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Duggan.
Blackert.	Fellbaum.
Collie.	Greer.
Cousins.	Holbrook.
DeBerry.	Hopkins.

Hornsby.
Martin.
Moore.
Murphy.
Neal.
Oneal.
Pace.
Parr.
Patton.
Poage.

Purl.
Rawlings.
Redditt.
Regan.
Russek.
Sanderford.
Small.
Stone.
Woodruff.
Woodul.

Absent—Excused.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodruff.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Cousins:

S. B. No. 109, A bill to be entitled "An Act defining pasture rights and regulating the use of pasturage and the number of cattle per acre in the County of Jefferson, in cases where different owners of land in the same enclosure pasture cattle thereon."

Read and referred to Committee on Stock and Stock Raising.

By Senator Duggan:

S. B. No. 110, A bill to be entitled "An Act to amend Section 4 of Chapter 22 of the General Laws of the Thirty-ninth Legislature, Regular Session, 1925, and declaring an emergency."

Read and referred to Committee on Towns and City Corporations.

By Senator Duggan:

S. B. No. 111, A bill to be entitled "An Act amending Article 2270, Chapter 12 of Title 42 of the 1925 Revised Civil Statutes of Texas, relating to the giving of supersedeas bonds, and providing that in lieu thereof the court may permit deposits of money from time to time with the registry of the court sufficient to discharge such judgment, interest and costs; repealing all laws in conflict therewith and declaring an emergency."

Read and referred to Committee on Towns and City Corporations.

By Senators Neal and Woodul:

S. B. No. 112, A bill to be entitled "An Act to prohibit the wilful taking, injury or destruction of trees, shrubs, vines, plants or ferns on land of another, or on land reserved, set aside, or maintained by the State as a public highway or public park, or as a refuge or sanctuary for wild animals, birds, or fish, without previous permission of the owner of such land or his agent or of the superintendent or custodian of such park, refuge or sanctuary; to prohibit the transportation, carriage or conveyance, or the sale, or the exposure for sale, of certain native vegetation or parts thereof; requiring certain officers and employees of the State to enforce this Act, and prescribing penalties for violations thereof; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Oneal:

S. B. No. 113, A bill to be entitled "An Act providing when, how and in what manner any water improvement district or water control and improvement district or conservation and reclamation district, now or hereafter organized and existing under the Constitution and laws of this State may refund any of its outstanding bonds or any of its valid outstanding notes, warrants or other obligations (other than bonds); and providing how, when and in what manner, and upon what conditions, bonds, or any part thereof, which any such district has heretofore authorized to be issued by submitting same to an election, and which bonds have been approved by the Attorney General of the State or validated by suit and registered by the Comptroller, but which bonds have not been sold by the district may be cancelled, impounded or new bonds issued in lieu of same, and prescribing the duties of the Comptroller of the State with reference thereto; and providing how, when and in what manner, and under what conditions any contract existing between any such district for contribution to the construction of any improvement by another such district, or by said district, or any contract with any other such district for the joint ownership, construction or operation of any irrigation works, reservoirs, levees, drainage systems or other plants,

works or improvements, may be cancelled or amended; and providing how, when and in what manner, and under what conditions any such district may make, amend or cancel contracts with any other such districts for the sale or purchase of water, and providing how such contracts may be secured, and authorizing all, or any part, of such contracts, or all or any part of the securities securing same, to be pledged for certain purposes; and providing how and in what manner such districts may fix and determine assessments pro rata per acre against irrigable land and providing for the classification of such irrigable land; and providing for notice, hearing and appeals regarding such classifications and assessments; and providing that any portion of any law now existing, in conflict with any provisions of this Act, shall be superseded by the provisions of this Act; and declaring an emergency."

Read and referred to Committee on Mining, Irrigation and Drainage.

By Senators Russek and Moore:

S. B. No. 114, A bill to be entitled "An Act to provide that transferors for collection of negotiable instruments shall be preferred creditors of state banks, and/or state bank and trust companies, authorized to do business under the laws of the State of Texas in certain cases and repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Banks and Banking.

By Senators Beck, Purl, Moore, DeBerry and Hornsby:

S. B. No. 115, A bill to be entitled "An Act amending Chapter 212, Section 19, page 298 of the Acts of the Regular Session of the Fortieth Legislature, 1927; relating to the removal of prisoners to the penitentiary; and declaring an emergency."

Read and referred to Committee on Penitentiaries.

By Senators Beck, Purl, Moore, DeBerry and Hornsby:

S. B. No. 116, A bill to be entitled "An Act amending Section 5, Chapter 4, of the Acts of the Forty-first Legislature, First Called Session, relating to vital statistics; and declaring an emergency."

Read and referred to Committee on Public Health.

By Senators Small, Duggan, Col-lie and Regan:

S. B. No. 117, A bill to be entitled "An Act requiring the Land Commissioner to ascertain and determine the amount of bonus and rental money due the State and by whom due under the operation, terms and conditions of Chapter 81, Printed Acts of the Second Called Session of the Thirty-sixth Legislature and the amendment thereof by the First Called Session of the Thirty-seventh Legislature, which Acts are generally referred to as the Relinquishment Act, authorizing the Land Commissioner to settle and compromise such debts with the debtors on the basis of actual amounts found due less all just and lawful credits; providing the terms and conditions by which the debtor to the State shall pay the amount found by the Land Commissioner to be due, or that may be determined to be due by the judgment of a court; providing that the finding of the Land Commissioner shall be final against the debtor when accepted by him; providing for the making of a statement in writing by the Land Commissioner to the Attorney General of the facts found by him in each case; authorizing the Attorney General to bring suit for the collection of the amount found to be due the State and when in the judgment of the Attorney General the State is entitled to a larger amount than that found by the Land Commissioner, to sue for such larger amount, fixing the venue of all suits for the recovery of bonus and rental money due the State; providing that no suit may be maintained by the State for the collection of any bonus or rental money except in this Act provided, and that suit may not be maintained for a larger amount than that found to be due by the Land Commissioner after one year from the date of the Land Commissioner's written statement to the Attorney General, and that no such suit for the collection of such debts may be maintained unless instituted within two years from the date this Act becomes effective; providing that the terms and provisions of this Act shall not apply to any indebtedness due the State for bonus or rental money under the Relinquishment Act which has accrued or may accrue subsequent to the date this article becomes effective, and that nothing in this Act

shall be construed to affect or change the existing rights and obligations between the land owners and lessees as to such accrued indebtedness; the finding of certain facts by the Legislature; defining the terms used in this Act; providing that if any portion of this Act ever be held to be unconstitutional such holding shall not affect the remaining portions of this Act; and declaring an emergency."

Read and referred to Committee on Public Lands and Land Office.

S. C. R. No. 7.

Senator Blackert sent up the following resolution:

Whereas, On October 21st, 1932, the Railroad Commission of Texas, after numerous informal protests, entered its order directing the San Antonio, Uvalde nad Gulf Railroad Company to proceed at once, with haste and without undue delay, to make such repairs to its track, road beds and bridges between the stations of North Pleasanton and Gardendale, or any part of its line between said stations now out of repair, and place it in such condition as will enable it to perform all its duties as a common carrier with reasonable safety to persons and property, and that train service be re-established at the earliest possible date; and,

Whereas, The San Antonio, Uvalde and Gulf Railroad Company, instead of obeying said order, applied to the Interstate Commerce Commission for a certificate of convenience and necessity authorizing it to abandon 28.7 miles of said tract between Gardendale and a point two miles beyond Fowlerton from Gardendale, which application is now pending before the Interstate Commerce Commission pending hearing set for January 26, 1933, in San Antonio; and,

Whereas, The San Antonio, Uvalde and Gulf Railroad Company by such action has indicated its defiance of the duly constituted authorities of the State of Texas in charge of the regulation of common carriers in this State; and,

Whereas, The San Antonio, Uvalde and Gulf Railroad was built under a charter authorizing the operation of a line of railroad from Uvalde in Uvalde County to Crystal City in Zavalla County and through Dimmitt and LaSalle Counties to Fowlerton

in McMullen County and thence to Pleasanton in Atascosa County and north to San Antonio in Bexar County, Texas, and south from Pleasanton through Live Oak County and San Patricio County to Corpus Christi in Nueces County, and the proposed abandonment of said 28.7 miles of said railroad will cut in two in the middle said line of railroad and sever the connection of that part of the railroad which lies in the great Winter Garden District from that part which runs through La Salle, McMullen, Atascosa, Live Oak, San Patricio and Nueces Counties to the great deep water port at Corpus Christi, and will thereby increase by 39.7 miles the present short line haul between the Winter Garden District and its nearest deep water port at Corpus Christi and will increase by 39.7 miles the short line haul between all points on said railroad in the counties of Live Oak, Atascosa and McMullen, on the one end, and the Winter Garden District and the port of entry into Mexico, on the other end, thereby increasing from two to six per cent per one hundred pounds the charges on all freight moving between said points, if and when said abandonment is permitted, and will breach the duties of the San Antonio, Uvalde and Gulf Railroad Company under its charter from the State of Texas to maintain railroad connections between all points on its present line of railroad; and,

Whereas, Said proposed abandonment will involve the question of the right of the State to enforce the observance of its charter contracts with railroad companies operating wholly within this State and the rights of our citizens who by large bonuses for railroad constructions have procured the construction of railroads in our State to hold the benefits for which they have paid and to be entitled to the reduced freight rates which such railroad construction has established under the commerce laws of our State and of the United States, which, it is important in the public interest to have definitely determined for the benefit not only for the people affected in said case, but of all the people of Texas: now Therefore Be It

Resolved by the Senate, the House of Representatives Concurring, That the Railroad Commission of Texas, if the Railroad Commission deems it

advisable, and the Attorney General of Texas be, and they are hereby requested to protest against abandonment of said line of railroad, and in the event such protest by the Interstate Commerce Commission is overruled, that the Attorney General of Texas be and he is hereby authorized and directed, if the Railroad Commission deems it advisable, to carry the question of abandonment of said railroad into such court or courts of competent jurisdiction as may be necessary in the opinion of the Attorney General to prevent such abandonment and to uphold the rights of the people of Texas to the enforced observance of the duties of said railroad under its charter from the State of Texas.

BLACKERT,
PARR.

On motion of Senator Woodul, the resolution was referred to the Committee on Commerce and Manufacturing.

H. C. R. No. 8 Referred.

H. C. R. No. 8 was, by unanimous consent, referred to the Committee on Commerce and Manufacturing.

Senate Bill No. 93.

Senator Parr sent up the committee report on S. B. No. 93.

Senator Holbrook raised the point of order that the committee report was out of order at this period of the session.

The Chair, Lieutenant Governor Edgar E. Witt, held that, inasmuch as the bill was submitted by the Governor in a special message as an emergency matter, the committee report was in order at this time.

On motion of Senator Parr, the rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 93 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.
Blackert.

Collie.
Cousins.

DeBerry.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Purl.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.

Absent—Excused.

Woodward.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Woodward.

Special Order Set.

On motion of Senator Hornsby the report of the Committee on Rules relative to adoption of general rules of the Legislature was set as special order at 2 o'clock p. m., today.

Senate Simple Resolution No. 25.

Senator Moore sent up the following resolution:

Whereas, There is an existing vacancy in the membership of the Interstate Commerce Commission, to be filled by presidential appointment, confirmed by the Senate; and,

Whereas, The livestock, agricultural, and ranching interests of the Southwest have never had representatives on the Interstate Commerce Commission familiar by training and experience with conditions confronting these interests; and,

Whereas, H. D. Driscoll, of Tulsa,

Oklahoma, and a former resident of Texas, a traffic attorney of national reputation, a specialist in transportation matters, a man of good moral character, habits and extraordinary ability, is, by various agricultural, ranching and livestock organizations of Texas, being suggested for this important post; and,

Whereas, Mr. Driscoll has with fidelity, skill and ability successfully represented the agricultural, livestock, ranching and other interests in Texas and the southwest, all of whom recognize his thorough fitness to serve as a member of the Interstate Commerce Commission; Therefore, Be It

Resolved, That the Senate of Texas in regular session, unreservedly endorses Mr. Driscoll for membership on the Interstate Commerce Commission, and requests the President to appoint him to this position, and urges the United States Senate to confirm such appointment.

It Is Further Resolved, That copies of this resolution be sent to Honorable Franklin D. Roosevelt, President-elect, and Vice-President Garner and the United States Senators Connally and Sheppard, of the State of Texas.

MOORE,	COLLIE,
GREER,	MURPHY,
SMALL,	PACE,
REGAN,	SANDERFORD,
DUGGAN,	BECK,
PARR,	MARTIN,
HORNSBY,	FELLBAUM,
RAWLINGS,	PURL.

Read and adopted.

H. C. R. No. 11.

The Chair laid before the Senate: H. C. R. No. 11, Memorializing Col. Charles Goodnight and urging that a certain scenic highway be named "The Charles Goodnight Trail."

Read and adopted unanimously by a rising vote.

Senate Simple Resolution No. 26.

Senator Purl sent up the following resolution:

Whereas, The recent National elections will cause a change of administration and vacancies in the administrative offices of the Federal Government, including the post of United States Patent Commissioner; and,

Whereas, It would be a distinct honor to the State of Texas for this important office to be filled by one of her citizens and native sons; and,

Whereas, The Honorable John M. Spellman of Dallas, Texas, is a native son of this State and has for more than thirty years been actively engaged in the practice of patent law, and the study of all matters pertaining to patents, trade marks and copyrights and is universally regarded as an authority on these subjects; and,

Whereas, The said John M. Spellman during his entire active lifetime has served the State of Texas faithfully and untiringly in many capacities, having served as President of the Texas Resources Society, an institution dedicated to the scientific development of the natural resources of Texas, and has also served as Governor of the Texas Society of the Sons and Daughters of the Pilgrims and as a member of the Sons of the American Revolution, and has been elected to membership in the Academy of Political and Social Science and as a member of the commission appointed by the Legislature to pass upon the voting machines for the registration of ballots in elections under the supervision of the Secretary of State for the State of Texas, and has laudably and patriotically given of his talents to many movements for the upbuilding of our State; and,

Whereas, He has dedicated his life to the art and profession of developing the sciences and inventions which mean new industries, the opening of new fields for man's endeavor, development and progress; and,

Whereas, Many prominent Democrats and leading citizens of Texas, recognizing his high qualifications and fitness to perform the duties of this office in a manner which would reflect credit and distinction upon the State of Texas, have personally endorsed him, attesting to his high moral character and mental fitness for this position; and,

Whereas, It would reflect great honor and credit upon this State for this office to be filled by a native Texan; and,

Whereas, The said Honorable John M. Spellman, is eminently qualified to discharge the duties of said office with fidelity and competence, Therefore Be It

Resolved By the Senate of Texas,

at the Forty-third Session, now assembled in regular session in Austin, Texas, That said legislative body go on record as endorsing and urging the appointment of John M. Spellman for the post of United States Patent Commissioner and that a copy of this resolution duly certified be mailed to the Honorable Franklin D. Roosevelt, President-elect, the Honorable James A. Farley, Chairman of the Democratic National Committee, and the Honorable Morris Sheppard and the Honorable Tom Connally, Senators from the State of Texas.

PURL,
ONEAL,
HORNSBY,
MOORE.

Read and adopted by the following vote:

Yeas—23.

Beck.	Parr.
Blackert.	Patton.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Oneal.	Woodul.
Pace.	

Nays—1.

Poage.

Present—Not Voting.

DeBerry.	Woodruff.
Fellbaum.	

Absent.

Hopkins.	Neal.
Martin.	

Absent—Excused.

Woodward.

Senate Simple Resolution No. 27.

Senator Small sent up the following resolution:

Whereas, Texas, the greatest agricultural state in the union, has, in Hon. Grover C. Hill of Amarillo, a man who has devoted himself to an active and successful participation in many branches of farming and stock-raising, and one who through a sympathetic and extensive study, has gained a comprehensive knowledge

of the many problems of the American farmer and stockman; and

Whereas, Mr. Hill is a man of broad vision and experience, and of sound, dependable views that are genuinely conservative, and is generously equipped with outstanding executive and administrative ability; and

Whereas, Mr. Hill is a true and tried Democrat who has energetically supported the party at all times and is deserving of a fitting reward for loyalty and political fidelity; and

Whereas, The friends of Mr. Hill throughout the Southwest are endorsing him as Assistant to the Secretary of Agriculture in the cabinet of President-elect Roosevelt; therefore, be it

Resolved, That the Senate of Texas go on record as commending Mr. Hill to the Hon. Franklin D. Roosevelt as a typical Texan equipped and fitted for the position as Assistant Secretary of Agriculture of the United States.

SMALL.

Read and adopted.

Executive Session.

At 11:00 o'clock a. m. the Chair announced that the hour for the executive session had arrived. The Chamber was cleared and the doors were locked.

After Executive Session.

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the following action had been taken:

Committee Room,
Austin, Texas, Jan. 25, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Governor's Nominations, to whom was referred the following nominations of the Governor, beg leave to report that we have considered the appointees recommended by the Governor, and I am instructed to recommend that the following named persons for the following named positions be in all things confirmed:

Hon. Nat. W. Brooks, Tyler, Texas, for the position of judge of the special district court for Smith and Upshur Counties.

Hon. C. A. Wheeler, judge of the fifty-third judicial district for pre-

siding judge of the third administrative judicial district.

W. W. Heath, Secretary of State.
Henry Hutchings, Adjutant General.

E. J. Keish, director of A. & M. College.

MARTIN.

Adopted.

Senate Simple Resolution No. 28.

Senator Hopkins sent up the following resolution:

Whereas, R. W. Morrison of San Antonio enjoys the distinction of being one of our most worthy citizens, a man of outstanding ability, integrity, honor and achievement, known far and wide as a leader of men, a builder and executive without a peer, commanding the respect and admiration of all men;

Whereas, Mr. Morrison, by training, experience and long service, both at home and abroad, is pre-eminently qualified to serve Texas and the nation with honor and credit to the incoming national administration; now, therefore, be it

Resolved by the Senate of Texas, That the Forty-third Legislature of Texas, now in session, do enthusiastically and unanimously endorse the Hon. R. W. Morrison of San Antonio for appointment in the cabinet of the incoming President of the United States, and that, as a token of our respect, admiration and esteem of our fellow Texan, that an enrolled copy of this resolution be forwarded to the Hon. Franklin D. Roosevelt, President-elect of the United States, and to the Hon. Jas. A. Farley, Chairman of the Democratic National Committee.

HOPKINS,
FELLBAUM.

Read and adopted.

Senator DeBerry received unanimous consent to be recorded as present and not voting.

Reason for Vote.

On Senate Simple Resolution No. 25, I vote present and not voting, as I have had no opportunity to inform myself on the qualifications of this man.

DeBERRY.

Adjournment.

On motion of Senator Poage, the Senate, at 1:10 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Jan. 25, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 93 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 22, 1933.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on

Privileges and Elections, to whom was referred

S. B. No. 93, A bill to be entitled "An Act to amend Article 2956, as amended by Chapter 105, Acts of the Regular Session, Forty-second Legislature, providing for absentee voting in all elections, general, special and primary, and providing that in special primary elections, the executive committee of the party may permit absentee voting for not more than ten days nor less than three days prior to the date of said election, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

POAGE, Chairman

In Memory
of
Senator Perry J. Lewis

Senate Simple Resolution No. 24.

Senators Fellbaum, Holbrook and Hornsby sent up the following resolution:

Whereas, Our Supreme Ruler saw fit to call to his eternal reward on January 23, 1933, the Honorable Perry J. Lewis, who served as Senator during the Twenty-third, Twenty-fourth, Twenty-fifth, and Twenty-sixth Legislatures of the State of Texas, from the twenty-sixth district; and

Whereas, Senator Lewis was born in Fredericksburg, Gillespie County; was graduated from law school and obtained his license to practice law in 1883; was a capable, prominent, and successful lawyer until the time of his death; was at all times interested in civic and State affairs; was for many years a member of the board of the Southwest Texas Hospital for the Insane. Therefore, be it

Resolved by the Senate of the State of Texas, That the sympathy of this body be extended to his children who survive him, and that a page of the Senate Journal be dedicated to his memory; that a copy of this resolution be mailed by the Secretary to each surviving member of his family.

FELLBAUM,
HOLBROOK,
HORNSBY,
COUSINS,
BECK,
BLACKERT,
COLLIE,
DeBERRY,
DUGGAN,
GREER,
HOPKINS,

MARTIN,
MOORE,
MURPHY,
NEAL,
ONEAL,
PACE,
PARR,
PATTON,
POAGE,
PURL,
RAWLINGS,

REDDITT,
REGAN,
RUSSEK,
SANDERFORD,
SMALL,
STONE,
WOODRUFF,
WOODUL,
WOODWARD.

Read and adopted unanimously by a rising vote.